

**R E M A R K S**

Claims **40 - 74** are pending in the present application.

Claims **40, 69, 70, 73 and 74** are independent.

Claims **40 - 74** were considered withdrawn from consideration and not examined.

Claims **63 - 65** are amended in this Amendment.

**CLAIM AMENDMENTS**

Claims **63 - 65** have been amended to correct the typographical error noted by the Examiner. No amendment was made for a reason related to patentability and no new matter has been added.

**RESPONSIVENESS**

Page 2 of the Office Action states that the Applicants' previous response "is not fully responsive to the prior Office Action". However, every rejection was in fact argued by Applicants, and thus the response was fully responsive.

**NEW CLAIMS ARE NOT****AN INDEPENDENT OR DISTINCT INVENTION**

The Examiner has not met the requirements to show that the pending claims are to an "independent or distinct" invention. In addition, the pending claims are not an "independent or distinct" invention from the original claims. Thus, the pending claims must be fully considered and examined.

### 1. The Required Reasoning Was Not Provided

First, MPEP § 808 requires the Examiner to provide reasons why the claims are considered independent or distinct. The record contains no such reasons. Instead, the Office Action contains merely a list of certain limitations of the independent claims. None of these claim limitations show why the pending claims should be considered an independent or distinct invention.

Since no reasoning was provided, Applicants do not know the boundaries of the "invention" believed to be independent or distinct. Thus, Applicants are unaware, for example, which new claims would be permitted and which would not.

### 2. No Burden to Search

Second, MPEP §803 requires the Examiner to show that the search and examination of an entire application cannot be made without serious burden. Otherwise, even if there are independent or distinct inventions, the examiner must examine all claims on the merits. MPEP § 803.

The Examiner has not shown why the search and examination of the entire application (including the "new invention") would impose a "serious burden" on the Examiner, as required by MPEP §803.

In fact, there is not even an allegation that that there would be a serious burden on the Examiner to examine the new claims. In fact, the similarities between the two sets of claims shows that there would be no serious burden in searching the two sets of claims.

### 3. The Claims Are Not Directed to an Independent or Distinct Invention

Third, notwithstanding the above, the claims are not directed to an independent or distinct invention, so restriction is neither required nor permitted.

The pending claims and original claims have several limitations in common, including:

<b><u>Original Claims</u></b>	<b><u>Pending Independent Claim 40</u></b>
determining a payout amount associated with the lottery ticket	receiving from a device information regarding a total payout amount of electronic scratch-off lottery tickets stored on the device
receiving from a player an indication associated with an item	receiving from a player an indication of an item that the player is interested in winning
arranging for the player to receive the item based on information associated with the item and the game event outcome.	arranging for the player to receive the item based on whether the total payout amount is within a defined range of the value of the item.

These similarities show that the two sets of claims are not directed to independent or distinct inventions.

### 4. Applicants Distinguished both the Original and Pending Claims from the Cited References

In the last response, Applicants provided arguments which demonstrated that the original claims and the pending claims are not unpatentable in light of the cited references.

In summary, the pending claims must be fully considered and examined.


**Conclusion**

For the foregoing reasons it is submitted that all of the claims are now in condition for allowance and the Examiner's early re-examination and reconsideration are respectfully requested.

Alternatively, if there remains any question regarding the present application or any of the cited references, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is cordially requested to contact Dean Alderucci at telephone number 203-461-7337 or via electronic mail at Alderucci@WalkerDigital.com.

Respectfully submitted,

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Date

  
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